

## Frequently Asked Questions for Consortium Libraries on Internet Filtering

The following frequently asked questions should help consortium public libraries understand the recent U.S. Supreme Court decision issued June 23, 2003, *United States, et al. v. American Library Association, Inc. et al.*, and its impact on Universal Service Fund (USF) discounts received for Internet connectivity.

The Intelnet Commission files an application on behalf of consortium public libraries to receive federal discounts on Internet connectivity.

1. [Why should libraries be aware of federal requirements regarding filtering Internet content?](#)
2. [Why is Internet filtering an important issue now?](#)
3. [What is the federal discount on Internet connectivity?](#)
4. [How do libraries pay for the costs of Internet connections NOT covered by USF discounts?](#)
5. [How can libraries ensure ongoing receipt of these federal discounts?](#)
6. [What are the CIPA requirements for Internet filtering in libraries?](#)
7. [How do I submit the FCC Form 479?](#)
8. [What is the impact of the court's decision on libraries that are already filtering Internet content?](#)
9. [What is the impact of the court's decision on libraries that choose NOT to filter Internet content?](#)
10. [If a consortium library does not currently have a signed FCC Form 479 on file with the Indiana State Library, how can it receive USF discounts?](#)
11. [What actions should libraries take if they signed the FCC Form 479, but later decided against filtering Internet content?](#)
12. [Will public libraries that choose not to filter Internet content be required to return federal funds?](#)
13. [Click here for definitions related to the decision.](#)
14. [Click here for a narrative about the decision.](#)
15. [Click here for a list of links related to the material on this page.](#)

### **1. Why should libraries be aware of federal requirements regarding filtering Internet content?**

Failure to comply with federal requirements jeopardizes all federal funding, including federal discounts for Internet connectivity. These discounts often cover 30–80 percent of a library's monthly connection costs.

## **2. Why is Internet filtering an important issue now?**

The United States Supreme Court recently upheld provisions of the Children's Internet Protection Act (CIPA)<sup>1</sup>. That federal law, in part, requires public libraries to provide Internet filtering on computers in order to receive federal discounts on Internet connectivity.

## **3. What is the federal discount on Internet connectivity?**

Public libraries are eligible to apply for Universal Service Fund (USF or *E-rate*) discounts on Internet connections. These discounts often cover 30–80 percent of a library's monthly connection costs, and are based in part on students in the community who qualify for the free and reduced lunch under a federal program.

## **4. How do libraries pay for the costs of Internet connections NOT covered by USF discounts?**

State grant funds distributed by the Indiana State Library usually cover connection costs not included in USF. These grant funds should not be affected by the recent Supreme Court decision.

## **5. How can libraries ensure ongoing receipt of these federal discounts?**

Consortium libraries must submit a signed FCC Form 479 to the Indiana State Library for the funding year of July 1, 2003 to June 30, 2004. This form indicates they are in compliance with the federal statute outlined in CIPA in order to receive the federal discount.

## **6. What are the CIPA requirements for Internet filtering in libraries?**

Libraries must provide Internet filtering on computers that are (1) either purchased with federal money or (2) for which Internet access is paid by federal money, to deny access by minors to content deemed harmful. Each library may choose the Internet filtering that best suits its community's needs.

## **7. How do I submit the FCC Form 479?**

*To get a form:*

- Go to the Web site of the Universal Service Administrative Corporation (USAC) at [www.sl.universalservice.org/form](http://www.sl.universalservice.org/form) and download a PDF version of the form.
- Contact Martha Roblee at the Indiana State Library 800.451.6028 or [marthar@statelib.lib.in.us](mailto:marthar@statelib.lib.in.us), for a copy of the form.

*To submit a form:*

- FAX the form to Martha Roblee at the Indiana State Library: 317.232.0002.
- MAIL the form to the attention of Martha Roblee at the Indiana State Library: 140 North Senate, Indianapolis, IN 46204.

---

<sup>1</sup> *United States, et al. v. American Library Association, Inc. et al.*, issued June 23, 2003.

**8. What is the impact of the court's decision on libraries that are already filtering Internet content?**

Those libraries that have submitted a signed copy of the FCC Form 479 should not experience any changes in their federal discounts. They also should continue to receive state grants distributed by the Indiana State Library that pay for the remaining monthly costs of connectivity.

**9. What is the impact of the court's decision on libraries that choose NOT to filter Internet content?**

Without a signed copy of the FCC Form 479 on file with the Indiana State Library, libraries are not eligible to receive the USF discount for this funding year starting July 1, 2003, and will be invoiced for that portion of their Internet connectivity. State grant funding distributed by the Indiana State Library should still be available at the same level individual libraries received last year.

**10. If a consortium library does not currently have a signed FCC Form 479 on file with the Indiana State Library, how can it receive USF discounts?**

Libraries that certify compliance with CIPA by returning the Form 479—signed and dated June 30, 2003—to the Indiana State Library, may still be eligible for the discount for this funding year.

**11. What actions should libraries take if they signed the FCC Form 479, but later decided against filtering Internet content?**

Given the confusion that may arise as a result of this court decision, all libraries should review their Form 479s to ensure they are in compliance, as of July 1, 2003, with all CIPA requirements.

Those libraries that don't have a signed copy of the FCC Form 479 or wish to make changes to it, please contact Martha Roblee at the Indiana State Library, 800.451.6028 or [marthar@statelib.lib.in.us](mailto:marthar@statelib.lib.in.us), for a copy of the form. Please notify **immediately** the Indiana State Library of any changes.

**12. Will public libraries that choose not to filter Internet content be required to return federal funds?**

Any rules regarding repayment have yet to be determined; therefore, it is unclear as to whether libraries will be required to pay back federal funds. The Indiana State Library and the Intelnet Commission are monitoring the development of any rules, and will keep public libraries informed of any decisions affecting them.

**13. Definitions**

**Consortium Libraries**

Libraries are members of the consortium if their Internet connections are filed for by the Intelnet Commission and the Indiana State Library.

**Children's Internet Protection Act (CIPA)**

Federal legislation that requires libraries to comply with Internet filtering and related requirements before Universal Service Fund (USF) discounts are granted.

**Universal Service Fund (USF)**

Also known as the *E-rate*, the fund from which these federal discounts are drawn. The discounts are intended for Internet connectivity to bridge the "digital divide," and are provided by the Federal Communications Commission (FCC) through the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC).

Intelenet files an annual consortium application on behalf of public libraries for these discounts, resulting in discounts that are typically 50 percent of libraries' monthly costs, but range from 30 to 80 percent.

***United States, et al. v. American Library Association, Inc. et al.***

U.S. Supreme Court decision issued June 23, 2003 upholding a provision of federal law requiring content filters to be available on library computers connected to the Internet. Libraries without these filters would forfeit federal discounts for Internet connectivity.

**Library Services & Technology Act (LSTA)**

Funds distributed by the Institute of Museum and Library Services (IMLS) for state library agencies to support statewide initiatives and services.

**FCC Form 479**

Federal Communications Commission form used to certify compliance with the Children's Internet Protection Act. Consortium libraries submit these forms to the Indiana State Library to be eligible for Universal Service discounts.

**14. Narrative**

On June 23, 2003, the U.S. Supreme Court upheld a provision of federal law, the Children's Internet Protection Act (CIPA) requiring libraries receiving federal funding to provide Internet filtering on computers.

The American Library Association (ALA) sued the U.S. government on behalf of libraries, their patrons, Web site publishers and related parties, arguing that the filtering provisions in CIPA were unconstitutional. They asserted that the filters' content-based restrictions violated the First Amendment right to free speech. However, the nation's highest court's decision stated that because library patrons could request the filters be turned off, the CIPA law did not violate the constitution.

CIPA requires libraries receiving federal funding to provide filtering for computers that are (1) either purchased with federal money or (2) for which Internet

access is paid by federal money. This mandate seeks to limit Internet access by minors to materials deemed harmful, usually of a sexually explicit or pornographic nature.

The Library Development Office of the Indiana State Library and the Intelenet Commission are monitoring the impact of the Supreme Court's decision and reviewing its implications for Indiana's public libraries.

It has been the practice of the Indiana State Library to encourage public libraries to make the best decisions for their communities. Each library may choose the Internet filtering that best suits its community's needs. Libraries should review their Internet filtering policies as their implementation of such a policy is tied to the receipt of federal funds through LSTA and USF.

Historically, the Indiana General Assembly has allocated funds to the Indiana State Library for grants that pay the non-discounted portion of public libraries' Internet connections. This portion of the funding should not change as a result of the U.S. Supreme Court decision. USF discounts filed for by the Intelenet Commission on behalf of consortium libraries total approximately \$1.8 million per year.

The Indiana State Library has provided filters on its public access computers for several years, as the State Library receives federal funding through the Library Services and Technology Act (LSTA). These filters are intended to block pornographic sites, gambling sites and "chat" features, and comply with the state library's roles as a research library for Hoosiers and as a resource for state employees.

The State Library also has an acceptable use policy that requires patrons to abide by the Children's Internet Protection Act, in addition to disallowing patrons the right to use State Library computer resources to access Web sites promoting sexually explicitly material, violence and hate speech, gambling, illicit drugs and alcohol. The governing board of the Indiana State Library passed this policy in February 2003, in compliance with Ind. Code § 20-14-1-7.

## **15. Links**

- [Indiana State Library: www.statelib.lib.in.us](http://www.statelib.lib.in.us)
- [Intelenet Commission: www.IN.gov/intelenet](http://www.IN.gov/intelenet)
- [Federal Communications Commission: www.fcc.gov](http://www.fcc.gov)
- [The Universal Service Administrative Company: www.sl.universalservice.org](http://www.sl.universalservice.org)
- [American Library Association: www.ala.org](http://www.ala.org)
- [Institute for Museum & Library Services: www.ims.gov](http://www.ims.gov)